

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/706,097	WELLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nicholas D. Rosen	3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE of 1/23/06.
2. ☒ The allowed claim(s) is/are 70-80.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### DETAILED ACTION

Claims 70-80 have been examined.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Thomas Hilliard on April 12, 2006

The application has been amended as follows:

Claims 1-7, 10-12, and 69 are hereby cancelled without prejudice or disclaimer.

In page 1, line 22 of the specification, "(www.activeresearch.com)" is hereby amended to "(www dot activeresearch dot com)", and "(www.onlink.com)" is hereby amended to "(www dot onlink dot com)".

. In page 1, line 23 of the specification, "(www.askjeeves.com)" is hereby amended to "(www dot askjeeves dot com)", and "(www.blazesoft.com)" is hereby amended to "(www dot blazesoft dot com)".

In page 2, line 4 of the specification, "(www.peoplesoft.com)" is hereby amended to "(www dot peoplesoft dot com)", "(www.oracle.com)" is hereby amended to "(www dot oracle dot com)", and "(www.sap.com)" is hereby amended to "(www dot sap dot com)".

In page 2, line 5 of the specification, "(www.hnc.com)" is hereby amended to "(www dot hnc dot com)", "(www.hyperion.com)" is hereby amended to "(www dot

Art Unit: 3625

hyperion dot com)", and "(www.blox.com)" is hereby amended to "(www dot blox dot com)".

In page 2, line 6 of the specification, "(www.corvu.com)" is hereby amended to "(www dot corvu dot com)".

***Allowable Subject Matter***

Claims 70-80 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, the article "Perfect Launches Advanced B2B Sourcing Solution – PerfectMarket," hereinafter "Perfect Launches," discloses a computer-implemented decision analysis system that facilitates decision making by integrating a values-based supply component for sellers using value optimization algorithms that enable the system to identify beneficial commercial transactions for participating parties, the system comprising: means for creating a demand component comprising at least one demand-oriented, values-based decision analysis component, the demand component being based on: (i) a set of product or service characteristics and qualities; and (viii) a set of buyer alternatives that represent at least one of products and services the buyer is capable of purchasing (entire article, especially the paragraph beginning "Architected by renowned"). "Perfect Launches" does not expressly disclose (iv) a set of buyer value tradeoffs showing how the buyer would trade one demand value for another demand value and showing how all demand values mathematically relate to one common financial metric, but does disclose automating the complex negotiation between buyers

and suppliers on multiple weighted dimensions to produce a single ranked list of offers that best meet the buyer's needs, implying (iv) the set of buyer values tradeoffs; this also implies, in part (ii), that there is a set of specific buyer demand values that quantitatively measure a buyer's relative preference for each product or service characteristic and quality. "Perfect Launches" does not disclose (v) a set of buyer-specific information components, representing a buyer's unique beliefs about a product or service, codified in terms of a probability or probability distribution, but it is well known to define components of expected utility in terms of probability, as taught, for example, by "Tools for Making Acute Risk Decision with Chemical Process Safety Applications" (pages 304-307).

"Perfect Launches" does not disclose (iii) a set of general buyer demand values, predetermined by the buyer independently of the product or service characteristics and qualities, that quantitatively measure a buyer's preferences for making decisions, including risk preference, time value of money, preferred way to process information, and personality type, but Wallman (U.S. Patent 6,996,539) teaches recommending a portfolio based on a buyer's risk preference and other preferences, and also using collaborative filtering to compare the buyer's values with the values of other buyers (as per part (vi)) (column 21, lines 13-45). Horvitz et al. (U.S. Patent 6,655,963) disclose a recommendation technique using personality diagnosis (Abstract). Greening et al. (U.S. Patent Application Publication 2001/0013009) provides another example of collaborative filtering using general buyer values.

"Perfect Launches" does not disclose a set of general information supply components gathered from across all values-based supply components created by sellers, prioritized by the buyer's specific values and the similarity of the products and services the buyer has identified as alternatives with the products and services the seller is selling, but Bezos et al. (U.S. Patent Application Publication 2005/0261987) disclose content-based filtering to identify products similar to those purchased or highly rated by a user (paragraph 5).

"Perfect Launches" does not disclose means for creating a supply component corresponding to the demand component, but Brodsky (U.S. Patent 6,751,597) teaches matchmaking optimization system for matching buyers and sellers together, recommending a set of buyers to a manufacturer as well as suppliers to a buyer (column 5, lines 23-60). Likewise, Brodsky's disclosure of matchmaking between buyers and sellers (Abstract; column 5, lines 23-60) makes obvious means for combining the buyer demand values, the seller supply values, the various tradeoffs, etc.

"Perfect Launches" does not disclose means for performing sensitivity analysis to show how the risk and return characteristics of the buyer alternatives and the seller alternatives change as the product or service demand values, the product or service supply values, etc. change, but such sensitivity analysis is well known, as taught by "Tools for Making Acute Risk Decision with Chemical Process Safety Applications," (pages 315-320).

However, no prior art of record discloses a decision analysis system comprising and using a set of general buyer demand values including risk preference, time value of

money, preferred way to process information, and personality type, nor a corresponding set of seller supply values. Furthermore, although reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention (*In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991)), the considerable number of references that would be required to plausibly reconstruct claim 70, and the lack of clear teachings or suggestions in the prior art references for incorporating some of the elements taught in the various references into the system recited in claim 70, are held to carry weight in making claim 70 nonobvious.

It is noted that claims 70-80 (claim 70 in particular) use “means for” language. Nonetheless, they are not treated as invoking 35 U.S.C. 112, sixth paragraph. If Applicant wishes to invoke 35 U.S.C. 112, sixth paragraph, Applicant should provide an explicit statement to that effect. 35 U.S.C. 112, sixth paragraph states:

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”


**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sobrado et al. (U.S. Patent 6,980,966) disclose guided buying decision support in an electronic marketplace environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's current acting supervisor, Mark Fadok, can be reached at 571-272-6755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
NICHOLAS D. ROSEN  
PRIMARY EXAMINER  
April 14, 2006